

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ANTHONY ALBERT BAGGETT,)	Case No.: 1:24-cv-0894 JLT SAB
)	
Plaintiff,)	ORDER ADOPTING THE FINDINGS AND
)	RECOMMENDATIONS, DISMISSING THE
v.)	ACTION WITHOUT PREJUDICE, AND
)	DIRECTING THE CLERK OF COURT TO
CITY OF FRESNO COUNTY JAIL, <i>et al.</i> ,)	CLOSE THE CASE
)	
Defendants.)	(Doc. 10)

Anthony Albert Baggett seeks to hold the defendants liable for violations of his civil rights while housed at the Fresno County Jail. (*See generally* Doc. 1.) After the Sacramento Division transferred the matter to the Fresno division, this Court ordered Plaintiff to apply to proceed *in forma pauperis* or pay the filing fee. (Docs. 4, 6.) However, the U.S Postal Service returned the Court’s mail marked “Undeliverable, Not at facility” on October 1, 2024. The Court issued an order to Plaintiff to show cause why the action should not be dismissed (Doc. 8), which the Postal Service also returned as undeliverable on October 10, 2024.

The assigned magistrate judge found Plaintiff failed to prosecute this action and failed to comply with the Court’s orders. (Doc. 10.) After considering the factors identified by the Ninth Circuit in *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986), the magistrate judge found terminating sanctions are appropriate and recommended the case be dismissed without prejudice. (*Id.* at 2-3.) The Court served the Findings and Recommendations on Plaintiff, including at the only address

1 on record for Plaintiff. The Postal Service returned the Findings and Recommendations marked
2 “Undeliverable, Not in Custody” on November 4, 2024.

3 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
4 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
5 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations issued on October 25, 2024 (Doc. 10) are
7 **ADOPTED** in full.
- 8 2. This action is **DISMISSED** without prejudice.
- 9 3. The Clerk of Court is directed to close this case.

10
11 IT IS SO ORDERED.

12 Dated: **November 13, 2024**


UNITED STATES DISTRICT JUDGE